BILL NO. S-83-06-38

SPECIAL ORDINANCE NO. S-132-83

AN ORDINANCE approving Agreement for Additions & Improvements to Wastewater Facilities between Howard, Needles, Tammen & Bergendoff, Architects, Engineers & Planners and the City of Fort Wayne, Indiana.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Agreement for Additions & Improvements to Wastewater Facilities dated June 8, 1983, between Howard, Needles, Tammen & Bergendoff, Architects, Engineers & Planners, and the City of Fort Wayne, by and through its Mayor and the Board of Public Works, for:

> Agreement for Step 3 Engineering Services Supplemental Agreement #1 by and between the City and Howard, Needles, Tammen & Bergendoff, Architects, Engineers & Plannsers, for Additions and Improvements to Wastewater Facilities, Phase A, B & C, Advanced Wastewater Treatment, includes both extension of contract time as well as increase in fee. Both of these conditions were created in part by the bid protest as well as unexpected construction delays;

involving a total estimated cost and fixed fee of Five Hundred Thousand Five Hundred Nine and No/100 Dollars ($500,509.00), all as more particularly set forth in said Agreement, which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed, and approved. Two (2) copies of said Agreement are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure Scruggs
Councilmember

APPROVED AS TO FORM
AND LEGALITY

Bruce O. Boxberger, City Attorney

Read the first time in full and on motion by Scruggs, seconded by Gia Quinta, and duly adopted, read the second time by title and referred to the Committee City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19__, at _____ o'clock __.M.,E.S.T.

DATE: 6-28-83 Sandra E. Kennedy
CITY CLERK

Read the third time in full and on motion by Scruggs, seconded by Gia Quinta, and duly adopted, placed on its passage. PASSED ~~(LOST)~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	9				
BRADBURY	✓				
BURNS	✓				
EISBART	✓				
GiaQUINTA	✓				
SCHMIDT	✓				
SCHOMBURG	✓				
SCRUGGS	✓				
STIER	✓				
TALARICO	✓				

DATE: 7-12-83 Sandra E. Kennedy
- CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ZONING MAP)~~ ~~(GENERAL)~~ ~~(ANNEXATION)~~ (SPECIAL) ~~(APPROPRIATION)~~ ORDINANCE ~~(RESOLUTION)~~ NO. S-132-83.

on the 12th day of July, 19 83.

ATTEST: (SEAL)

Sandra E. Kennedy
CITY CLERK

Ray A. Eisbart
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of July, 19 83, at the hour of 10:00 o'clock A.M.,E.S.T.

Sandra E. Kennedy
CITY CLERK

Approved and signed by me this 14th day of July 19 83, at the hour of 1 o'clock P.M.,E.S.T.

Win Moses Jr.
WIN MOSES, JR. - MAYOR

73-63-41
6/8/83

SUPPLEMENTAL AGREEMENT NO. 1

THIS SUPPLEMENTAL AGREEMENT, by and between the City of Fort Wayne, Indiana, acting by and through its Board of Public Works, hereinafter referred to as the OWNER, and Howard Needles Tammen & Bergendoff, a partnership, hereinafter referred to as the ENGINEER, WITNESSETH THAT:

AGREEMENT FOR STEP 3 ENGINEERING SERVICES
FOR
SUPPLEMENTAL AGREEMENT NO. 1
ADDITIONS AND IMPROVEMENTS
TO THE
WASTEWATER FACILITIES
PHASE A
PHASE B
PHASE C
ADVANCED WASTEWATER TREATMENT
BY AND BETWEEN THE
CITY OF FORT WAYNE, INDIANA
AND
HOWARD NEEDLES TAMMEN & BERGENDOFF
ARCHITECTS ENGINEERS PLANNERS
INDIANAPOLIS, INDIANA

WHEREAS, the OWNER and the ENGINEER have entered into an Agreement for Engineering Services dated November 5, 1980, hereinafter called the Basic Agreement; and

WHEREAS, the OWNER desires to have the ENGINEER perform additional services in connection with project not previously provided for in the Basic Agreement; and

WHEREAS, all provisions of the Basic Agreement not specifically changed by this Supplemental Agreement shall remain in effect; and

WHEREAS, the ENGINEER agrees to perform professional services as hereinafter set forth; and

WHEREAS, the OWNER agrees to employ, and does hereby employ the ENGINEER for the professional services hereinafter set forth, and agrees to pay the ENGINEER for such services the fee termination set forth in this Agreement.

ARTICLE I. THE ENGINEER'S SERVICES

Paragraph A, first sentence is changed to read as follows:

A. Beginning upon acceptance by the OWNER of the Federal Step 1 Grant-in-Aid offer and authorization to proceed from the OWNER, the ENGINEER shall provide for a period not to exceed 1,210 calendar days the services described as follows:

SUPPLEMENTAL AGREEMENT NO. 1

THIS SUPPLEMENTAL AGREEMENT, by and between the City of Fort Wayne, Indiana, acting by and through its Board of Public Works, hereinafter referred to as the OWNER, and Howard Needles Tammen & Bergendoff, a partnership, hereinafter referred to as the ENGINEER, WITNESSETH THAT:

WHEREAS, the OWNER and the ENGINEER have entered into an Agreement for Engineering Services dated November 5, 1980, hereinafter called the Basic Agreement; and

WHEREAS, the OWNER desires additional services in connection with project not previously defined in the Basic Agreement; and

WHEREAS, all provisions of the Basic Agreement not specficially changed by this Supplemental Agreement shall remain in effect; and

WHEREAS, the ENGINEER agrees to perform professional services as hereinafter set forth; and

WHEREAS, the OWNER agrees to employ, and does hereby employ the ENGINEER for the professional services hereinafter set forth, and agrees to pay the ENGINEER for such services the fee hereinafter set forth in this Agreement.

ARTICLE 1. THE ENGINEER'S SERVICES

Paragraph A, first sentence is changed to read as follows:

A. Beginning upon acceptance by the OWNER of the Federal Step 3 Grant-In-Aid offer and Authorization to Proceed from the OWNER, the ENGINEER shall provide for a period not to exceed 1,210 calendar days the services described as follows:

73-43-41

ARTICLE 2. PAYMENT TO THE ENGINEER

Article 3, paragraph A, is changed to read as follows:

A. The estimated cost for services for Articles 1-A, 1-B, and 1-C is $435,219.00; the fixed fee is $65,290.00; and the total estimated cost and fixed fee is $500,509.00.

ARTICLE 3. EXECUTION

The OWNER and ENGINEER hereby agree to the full performance of the covenants contained herein.

IN WITNESS WHEREOF, the parties hereto have executed this Supplemental Agreement No. 1 in triplicate this 8th day of June, 1983.

HOWARD NEEDLES TAMMEN & BERGENDOFF
Architects Engineers Planners

By _____
Robert S. Cona, Partner

CITY OF FORT WAYNE, INDIANA

By _____
Winfield C. Moses, Jr., Mayor

By _____

_____

Attest:

Sharon J. Helmsing
Clerk

Betty R. Collins
Its Board of Public Works

BILL NO. S-83-06-38

REPORT OF THE COMMITTEE ON CITY UTILITIES

WE, YOUR COMMITTEE ON City Utilities TO WHOM WAS REFERRED AN ORDINANCE approving Agreement for Additions & Improvements to Wastewater FAcilities between Howard, Needles, Tammen & Bergendoff, Architects, Engineers & Planners and the City of Fort Wayne, Indiana

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

VICTURE L. SCRUGGS, CHAIRMAN Victure Scruggs

SAMUEL J. TALARICO, VICE CHAIRMAN Samuel J. Talarico

DONALD J. SCHMIDT

MARK E. GiaQUINTA Mark E. GiaQuinta

PAUL M. BURNS Paul M. Burns

Concurred in 2/12/83 Sandra E. Kennedy

6321

Admn. Appr. _____

TITLE OF ORDINANCE Agreement for Step 3 Eng. Services Supplemental Agreement #1 by & bet. City & HNTB for Additions and Improvements to Wastewater Facilities, Phase A, B, & C, Advanced Wastewater Treatment

DEPARTMENT REQUESTING ORDINANCE Board of Public Works

SYNOPSIS OF ORDINANCE The Agreement for Step 3 Eng. Services Supplemental Agreement #1 by & between City & HNTB for Additions and Improvements to Wastewater Facilities, Phase A, B & C, Advanced Wastewater Treatment, includes both extension of contract time as well as increase in fee. Both of these conditions were created in part by the bid protest as well as unexpected construction delays. (HNTB is Howard Needles Tammen & Bergendoff, Architects, Engineers & Planners). S-83-06-28

EFFECT OF PASSAGE Extension of time & increase in fee.

EFFECT OF NON-PASSAGE

MONEY INVOLVED (DIRECT COSTS, EXPENDITURE, SAVINGS) Total est. cost & fixed fee $500,509.00.

ASSIGNED TO COMMITTEE